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   Attorneys for Defendant
11 GROUPME, INC.

12   UNITED STATES DISTRICT COURT

13   NORTHERN DISTRICT OF CALIFORNIA

14   OAKLAND DIVISION

15 BRIAN GLAUSER, individually and on behalf   Case No. 4:11-cv-02584-PJH
   of a class of similarly situated individuals,
16
                            Plaintiffs,   **DECLARATION OF J. JONATHAN
17   HAWK IN SUPPORT OF DEFENDANT
                  v.   GROUPME, INC.'S MOTION FOR
18   SUMMARY JUDGMENT**
   TWILIO, INC., a Delaware corporation; and
19 GROUPME, INC., a Delaware corporation,
                                                   Date: November 5, 2014
20   Defendants.   Time: 9:00 a.m.
                                                   Courtroom: 3
21

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DECLARATION OF J. JONATHAN HAWK

I, J. Jonathan Hawk, declare:

1.   I am an associate in the law firm of White & Case LLP, attorneys of record for defendant GroupMe, Inc. ("GroupMe") in this action. I have personal knowledge of the facts set forth herein, and could testify competently thereto if called upon to do so.

2.   On May 12, 2014, GroupMe served on plaintiff Brian Glauser ("Plaintiff"), among other written discovery requests, GroupMe's first request for admissions. On June 20, 2014, after obtaining two extensions of time to serve responses, Plaintiff served his responses to all of GroupMe's written discovery requests, including to GroupMe's first request for admissions.

3.   Plaintiff answered GroupMe's request for admission no. 5 as follows:

> **REQUEST FOR ADMISSION NO. 5:** Admit GroupMe, Inc. never contacted you using an artificial or prerecorded voice.
>
> **ANSWER:** Plaintiff admits this Request.

A true and correct copy of Plaintiff's answer to GroupMe's request for admission no. 5 is attached as Exhibit D.

4.   On October 9, 2014, I conducted the deposition of Shawn C. Davis. Attached as Exhibit E is a true and correct copy of pages 76-77, 82-83, 93-95, 111-115, 125, 153-154, 163-164, 229-231, 236-237, 244-246, 250, 256-257, 266-267, and 276-277 of the transcript of his deposition, which pages GroupMe has de-designated so as to have no confidentiality designation. The attached pages from the transcript accurately reflect the questions asked and the answers given by Mr. Davis at his deposition. At his deposition, Mr. Davis testified:

    a.   Mr. Davis is a full-time employee of Edelson PC (76:12-77:12);

    b.   Mr. Davis spends 90% of his time working for the Edelson firm as part of an in-house technology group that tests applications and software looking for privacy and data breaches. Mr. Davis is the head of the technical aspect of that group, and performs his work for the Edelson firm often before the Edelson firm files a lawsuit (82:14-83:10, 93:25-94:24, 95:15-22);

    c.   Mr. Davis considers his work in connection with this case to be part of his

1

1 normal work for the Edelson firm (153:23-154:9);

2 d. Prior to this lawsuit, Mr. Davis had no experience with the programming

3 language Ruby, and no experience with the web programming framework

4 Ruby on Rails (125:18-25);

5 e. Before forming his opinions, Mr. Davis did not review GroupMe's

6 summary judgment motion or the declarations of Steve Martocci, John

7 Pignata, and Ameer Badri filed in support thereof (276:4-19);

8 f. Mr. Davis acknowledges a GroupMe user provides GroupMe with a new

9 user's phone number and name, and requests GroupMe add the new user to

10 a GroupMe group, causing GroupMe to create a new user and send the new

11 user a text message that welcomes him or her to the group (229:17-231:15,

12 236:14-20);

13 g. Mr. Davis has no basis to dispute:

14 i. A GroupMe user must create a group before GroupMe can assign a

15 ten-digit number to that group (250:16-20);

16 ii. A GroupMe user must provide GroupMe with a new member's

17 name and phone number, and request GroupMe add the new

18 member to the group, in order for GroupMe to send the new

19 member a "welcome" message (229:17-231:15, 236:14-20, 245:5-

20 246:5);

21 iii. GroupMe populates the "welcome" message sent to a new

22 GroupMe member with information provided by another user

23 (236:14-237:25);

24 iv. Text messages cannot be sent using GroupMe and Twilio unless a

25 GroupMe user takes some action (244:16-20, 245:5-246:7, 256:24-

26 257:11, 266:18-267:2);

27 v. The "welcome" message sent to Plaintiff was not entirely pre-

28 programmed, as it identified Plaintiff's name, the names of two

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DECLARATION OF J. JONATHAN HAWK IN SUPPORT OF GROUPME'S
MOTION FOR SUMMARY JUDGMENT; 4:11-CV-02584-PJH

other individuals, and the name of the group, "Poker" (236:14-237:25);

h. Mr. Davis bases his belief that GroupMe and Twilio automatically dial phone numbers only on his analysis of GroupMe and Twilio's "back-end" processes of handling delivery and receipt of messages <u>after</u> a GroupMe user takes some specified action (163:16-164:21, 276:22-277:20); and

i. Mr. Davis believes sending an SMS message from a smartphone without using GroupMe is an "automated" process, performed "without human intervention," as long as he focuses solely on what happens <u>after</u> a user presses "send" on his or her smartphone (111:23-115:18).

I declare under penalty of perjury under the laws of the United States of America the foregoing is true and correct.

Executed this 20th day of October, 2014, at Los Angeles, California.

<u>/s/ J. Jonathan Hawk</u>
J. Jonathan Hawk

EXHIBIT D

1   Mark S. Eisen (SBN- 289009)
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    Benjamin H. Richman (Admitted *Pro Hac Vice*)
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9   350 North LaSalle Street, Suite 1300
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10 Tel: 312.589.6370
    Fax: 312.589.6378
11
    Attorneys for Plaintiff and the Putative Classes
12
13   **UNITED STATES DISTRICT COURT**

14   **NORTHERN DISTRICT OF CALIFORNIA**

15 BRIAN GLAUSER, individually and on   Case No.: 4:11-cv-02584-PJH
    behalf of all others similarly situated,
16   **PLAINTIFF GLAUSER'S ANSWERS
                                                TO DEFENDANT GROUPME, INC.'S
17   *Plaintiff,*   FIRST SET OF REQUESTS FOR
                                                ADMISSIONS**
18 *v.*

19 GROUPME, INC., a Delaware corporation,

20   *Defendant.*

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1   Plaintiff Brian Glauser ("Glauser" or "Plaintiff"), by and through his undersigned counsel,

2   for his answers to Defendant GroupMe, Inc.'s ("GroupMe" or "Defendant") First Set of Requests

3   for Admissions, states as follows. All answers contained herein are based only upon such

4   information and documents presently available to Plaintiff. Further discovery, investigation,

5   research and analysis may supply additional facts and/or add meaning to known facts. Moreover,

6   the answers below are given without prejudice to Plaintiff's right to later produce and/or

7   supplement these answers with additional information.

8   **REQUEST FOR ADMISSION NO. 1:**

9   Admit you gave GroupMe, Inc. prior express consent to send you text messages when you registered to use GroupMe, Inc.'s group messaging service.

10   **ANSWER:** Plaintiff denies this Request.

11   *   *   *

12   **REQUEST FOR ADMISSION NO 2:**

13
     Admit you have never revoked the prior express consent you gave GroupMe, Inc. to send
14   you text messages after you registered to use GroupMe's group messaging service.

15   **ANSWER:** Plaintiff objects to this Request on the basis that it assumes Plaintiff provided

16   prior express consent to receive text messages from Defendant GroupMe. Subject to and without

17   waiving this objection, Plaintiff states that he did not provide any prior express and therefore, that

18   he could not revoke any purported consent.

19   *   *   *

20   **REQUEST FOR ADMISSION NO. 3:**

21   Admit you never requested to be removed from or to stop receiving text messages as part of any group using GroupMe, Inc.'s group messaging service.
22
     ANSWER: Plaintiff admits this Request.
23
                      *   *   *
24

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REQUEST FOR ADMISSION NO. 4:

     Admit you never received any text massages from GroupMe, Inc. for the purpose of telemarketing.

     ANSWER: Plaintiff denies this Request.

<div align="center">*   *   *</div>

REQUEST FOR ADMISSION NO. 5:

     Admit GroupMe, Inc. never contacted you using an artificial or prerecorded voice.

     ANSWER: Plaintiff admits this Request.

<div align="center">*   *   *</div>

REQUEST FOR ADMISSION NO. 6:

     Admit GroupMe, Inc. can only transmit a text message to a user of its group messaging service in response to an action by another user of GroupMe, Inc.'s group messaging service.

     ANSWER: Plaintiff objects to this Request on the basis that the phrase "in response to an action by another user" is vague and ambiguous. Subject to and without waiving this objection, after reasonable inquiry, Plaintiff does not have sufficient knowledge or information within his possession, custody or control, to admit or deny this Request.

<div align="center">*   *   *</div>

REQUEST FOR ADMISSION NO. 7:

     Admit you know of no method to determine whether a putative class member gave prior express consent to receive text messages on his or her cellular telephone as part of a group messaging conversation using GroupMe, Inc.'s group messaging service other than ask each putative class member whether he or she gave prior express consent to receive such text messages.

     ANSWER: Plaintiff denies this Request.

<div align="center">*   *   *</div>

REQUEST FOR ADMISSION NO. 8:

     Admit you cannot identify members of your proposed classes without asking each putative class member whether he or she gave prior express consent to receive text messages as part of GroupMe, Inc.'s group messaging service.

     ANSWER: Plaintiff denies this Request.

*   *   *

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BRIAN GLAUSER, individually and on behalf of all
others similarly situated,

3

4   Dated: June 20, 2014   By: /s/ Benjamin H. Richman
                                                  One of Plaintiff's Attorneys

5

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                                             Christopher L. Dore (Admitted *Pro Hac Vice*)
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| PLAINTIFF'S ANSWERS TO GROUPME'S | 4 | NO. 4:11-CV-02584-PJH |
| FIRST SET OF REQUESTS FOR ADMISSIONS | | |

CERTIFICATE OF SERVICE

I, Courtney C. Booth, an attorney, hereby certify that on June 20, 2014, I served the above and foregoing *Plaintiff Glauser's Answers to Defendant GroupMe, Inc.'s First Set of Requests for Admissions* by causing true and accurate copies of such paper to be transmitted via electronic mail to the persons shown below and further, by causing true and accurate copies of such paper to placed in postage prepaid envelopes addressed to the persons shown below and by causing such envelopes to be deposited in the United States Mailbox located at 350 North LaSalle Street, Chicago, Illinois on this the 20th day of June, 2014:

Bryan A. Merryman
J. Jonathan Hawk
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633 W. Fifth Street, Suite 1900
Los Angeles, California 90071-2007
bmerryman@whitecase.com
jhawk@whitecase.com

/s/ Courtney C. Booth

EXHIBIT E

HIGHLY CONFIDENTIAL - SOURCE CODE 1

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

1

2

3

4 BRIAN GLAUSER, individually)

5 and on behalf of all others)

6 similarly situated,)

7 Plaintiff,)

8 vs.) 4:11-cv-02584-PJH

9 GROUPME, INC., a Delaware)

10 corporation,)

11 Defendant.)

12

13 The deposition of SHAWN DAVIS, called for

14 examination, taken pursuant to the Federal Rules of

15 Civil Procedure of the United States District Courts

16 pertaining to the taking of depositions, taken before

17 Lynn A. McCauley, CSR No. 84-003268, RPR, a Certified

18 Shorthand Reporter of the State of Illinois, at

19 350 North LaSalle Street, Suite 1300, Chicago,

20 Illinois, on October 9, 2014, at 9:37 a.m.

21

22

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Page 1

HIGHLY CONFIDENTIAL - SOURCE CODE   2

1 PRESENT:

2   EDELSON PC, by
        MR. BENJAMIN H. RICHMAN AND

3   MS. COURTNEY BOOTH
        350 North LaSalle Street, Suite 1300

4   Chicago, Illinois 60654
        312-589-6370

5   brichman@edelson.com
        cbooth@edelson.com

6   Appeared on behalf of Plaintiff;

7
             and

8

9   WHITE & CASE LLP, by
        MR. J. JONATHAN HAWK

10   633 West 5th Street, Suite 1900
        Los Angeles, California 90071-2087

11   213-620-7802
        jhawk@whitecase.com

12   Appeared on behalf of Defendant.

13

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1	A. No.	10:48
2	Q. Did you rely on anything you learned in	10:48
3	taking any of the courses you needed to sit for	10:48
4	certification exams?	10:49
5	A. Not that I can recall.	10:49
6	MR. RICHMAN: Could we maybe take a	10:49
7	five-minute break?	10:49
8	MR. HAWK: Sure.	10:49
9	(WHEREUPON, a recess was	10:49
10	had.)	10:49
11	BY MR. HAWK:	11:00
12	Q. Mr. Davis, where are you currently	11:00
13	employed?	11:00
14	A. The Edelson firm.	11:00
15	Q. Do you have a title at the Edelson firm?	11:00
16	A. I am director of digital forensics. I'm	11:00
17	also employed at the Illinois Institute of	11:00
18	Technology.	11:00
19	Q. Simultaneously; correct?	11:00
20	A. Correct.	11:00
21	Q. And is the Edelson firm representing you	11:00
22	here today as your attorney?	11:00
23	A. That's correct.	11:00
24	Q. Okay. How long have you been the	11:00
25	director of digital forensics for the Edelson firm?	11:00

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HIGHLY CONFIDENTIAL - SOURCE CODE   77

1	A.	Since August.	11:00
2	Q.	August of which year?	11:00
3	A.	August of this year.	11:01
4	Q.	2014; right?	11:01
5	A.	That is correct.	11:01
6	Q.	So less than three months?	11:01
7	A.	That's correct. Actually -- I was	11:01

8   looking at my own resume.   11:01

9   When I started at Edelson, it was in   11:01

10   August of 2013, but, yes, when I ended up being the 11:01

11   director, it's been for a few months. I can't   11:01

12   remember what exact month it was.   11:01

13   Q.   Okay. And what are your duties and   11:01

14   responsibilities as director of digital forensics at 11:01

15   the Edelson firm?   11:01

16   A.   Basically, assisting attorneys when their   11:01

17   technical needs might exceed their knowledge.   11:01

18   Q.   What kind of technical needs do you help   11:01

19   them with?   11:01

20   A.   Various things. For example, one could   11:01

21   be the database matching I had to do on the   11:02

22   Kristensen case. It could be source code reviews,   11:02

23   things like that.   11:02

24   Q.   Anything else?   11:02

25   A.   Not offhand. Reviewing software.   11:02

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1   Q.   Okay.   What duties do you have now that   11:06

2   you did not have in your previous role?   11:06

3   A.   No specific different duties that I can   11:06

4   think of. As I say, just a little more involved. I 11:06

5   probably spend more time on my duties than I did   11:06

6   before.   11:06

7   Q.   Okay.   But you can't think of any   11:06

8   specifics that you do now that you did not do   11:06

9   previously?   11:06

10   A.   I cannot think of any, no.   11:06

11   Q.   Okay.   Are there any other computer   11:06

12   forensic investigators at the Edelson firm?   11:06

13   A.   Not currently, no.   11:06

14   Q.   Does the Edelson firm have an in-house   11:06

15   tech lab of people who test applications and   11:06

16   software, looking for privacy and data breaches?   11:06

17   A.   They do.   11:06

18   Q.   How many people are in that department?   11:06

19   A.   Within that group, it might be five to   11:06

20   eight people.   11:07

21   Q.   Do those people all have the same title?   11:07

22   A.   I'm not sure.   11:07

23   Q.   Do you know the titles of anybody in that   11:07

24   group?   11:07

25   A.   Not offhand.   11:07

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1	Q. Are you in that group?	11:07
2	A. I am in that group.	11:07
3	Q. Currently?	11:07
4	A. Currently.	11:07
5	Q. Okay. And were you in that group before	11:07
6	you were promoted to director of digital forensics?	11:07
7	A. I was.	11:07
8	Q. So you've been in that group since August	11:07
9	of 2013; correct?	11:07
10	A. That's correct.	11:07
11	Q. And what have you done as part of that	11:07
12	group?	11:07
13	A. Basically, worked on what I had mentioned	11:07
14	in the earlier question.	11:07
15	Q. Okay. Any specific projects you can	11:07
16	remember?	11:07
17	A. Not that I can --	11:07
18	MR. RICHMAN: Objection to the extent it	11:07
19	calls for work product.	11:07
20	I'm not really sure what you're	11:07
21	asking. If you're asking him what other cases or	11:08
22	investigations he's worked on for cases, then we	11:08
23	can't go into that, because that's work product.	11:08
24	The types of things he worked on, he	11:08
25	just answered.	11:08

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1	source code while at the Edelson firm?		11:17
2	A.	Define purpose.	11:17
3	Q.	Why have you done it?	11:17
4	A.	I've been asked to.	11:17
5	Q.	Okay. Have you been asked to look for	11:17
6	anything in particular, without getting into the		11:17
7	specific software, because your counsel will not let		11:17
8	you answer that?		11:17
9	A.	Not that I can think of in specifics.	11:17
10	Q.	Okay. As you sit here, you don't	11:17
11	remember?		11:17
12	A.	Correct.	11:17
13	Q.	You said you also have spent time	11:17
14	analyzing functions in code?		11:17
15	A.	I have.	11:17
16	Q.	What portion of your time, while here at	11:17
17	the Edelson firm, would you say you have spent doing		11:17
18	that?		11:17
19	A.	I wouldn't really be able to say as a	11:17
20	percentage.		11:17
21	Q.	Okay. Less than 50?	11:17
22	A.	Hard to say.	11:17
23	Q.	You have no idea?	11:17
24	A.	I have no idea.	11:17
25	Q.	Has all of your work while here at the	11:17

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1	Edelson firm been performed as part of this group	11:17
2	we've been discussing that examines applications in	11:18
3	technology for privacy and data breaches?	11:18
4	A. For the most part.	11:18
5	Q. What percentage of your work would you	11:18
6	say is performed as part of that group?	11:18
7	A. I would say probably 90 percent.	11:18
8	Q. What is the other 10 percent spent doing?	11:18
9	A. Dealing with technology issues around the	11:18
10	office, Wi-Fi goes down, stuff like that.	11:18
11	Q. Are you the head of this group?	11:18
12	A. Not of the entire group, no.	11:18
13	Q. Are you head of part of a group -- part	11:18
14	of the group?	11:18
15	A. I would suppose the technical end of it.	11:18
16	Q. Let me put it a different way.	11:18
17	Do you have direct reports?	11:18
18	A. Do I what?	11:18
19	Q. Have direct reports?	11:18
20	A. I do not.	11:18
21	Q. Okay. And why would you say you were the	11:18
22	head of the technical end of it?	11:18
23	A. I'm in charge of the technical	11:18
24	investigation part.	11:18
25	Q. Does anybody besides you perform the	11:18

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1   technical investigations?   11:18

2   A.   At times.   11:18

3   Q.   Are there any other full-time employees   11:18

4   in that group that perform technical investigations?   11:19

5   A.   You'd have to define technical   11:19

6   investigations, but yes.   11:19

7   Q.   How would you define it?   11:19

8   A.   I would define a technical investigation   11:19

9   as, basically, again, looking at technology, seeing   11:19

10   how it functions, be it software, Website, things   11:19

11   like that.   11:19

12   Q.   Now, are you looking into these   11:19

13   technologies before cases are filed?   11:19

14   A.   Can you repeat the question?   11:19

15   Q.   Are you looking into these technologies   11:19

16   before cases are filed, as part of your work in this   11:19

17   group?   11:19

18   A.   At times.   11:19

19   Q.   How often would you say you're looking at   11:19

20   these technologies before a case is filed as opposed   11:19

21   to looking at them after?   11:19

22   A.   Maybe 30 percent of the time.   11:19

23   Q.   And the other 70 percent is after a case   11:19

24   has been filed?   11:19

25   A.   That's correct.   11:19

                                                 Page 95

HIGHLY CONFIDENTIAL - SOURCE CODE   111

1   A.   I did not.   11:34

2   Q.   And did you have any experience while at   11:34

3   B2B in systems transmitting SMS?   11:34

4   A.   I did not.   11:34

5   Q.   So aside from the experiences you've told   11:35

6   me about at the Edelson Firm and at Motorola, in   11:35

7   forming your opinions in this case, have you relied   11:35

8   on any other experiences while at ChicagoMicro or B2B   11:35

9   in forming your opinions here?   11:35

10   A.   No.   11:35

11   Q.   And you were employed at places before   11:35

12   B2B; correct?   11:35

13   A.   That's correct.   11:35

14   Q.   And did any of those jobs involve writing   11:35

15   programming code?   11:35

16   A.   Not that I can recall.   11:35

17   Q.   Did any of those jobs before B2B that you   11:35

18   had involve reading programming code?   11:35

19   A.   Not that I can recall.   11:35

20   Q.   Did any of those jobs that you had before   11:35

21   B2B involve Web design?   11:35

22   A.   No.   11:35

23   Q.   Did any of the jobs that you before B2B   11:35

24   involve working with systems that exchange SMS?   11:35

25   A.   Somewhat.   11:35

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| 1 | Q.   How? | 11:36 |

A.   I worked for US Cellular, and then I also   11:36

worked for Verizon Agent. So I had received some   11:36

training on how cellular networks work and how SMS   11:36

works. I had a training course through US Cellular   11:36

corporate in Madison, Wisconsin.   11:36

Q.   Can you describe from your training on   11:36

how SMS works?   11:36

A.   Can you expand on that?   11:36

Q.   Sure.   11:36

From that training, what is your   11:36

understanding as to how SMS works?   11:36

A.   So, in general, you're using a client   11:36

device that's going to end up contacting a cell tower   11:36

and go through various routing. And then,   11:36

ultimately, a text message is going to be delivered,   11:36

you know, to another client device, in a nutshell.   11:36

Q.   Okay. What is your understanding as to   11:36

how that routing is performed?   11:36

A.   It's usually routed either within -- I   11:36

mean, there's some routing that occurs within the   11:36

cell tower itself. And then it gets back to the   11:37

corporate headquarters or wherever they have their   11:37

servers, and then it would be sent out.   11:37

Q.   So is the process you're describing the   11:37

1	process that occurs after somebody hits send on a	11:37
2	text message on their phone?	11:37
3	A. That's correct.	11:37
4	Q. So it's the process that occurs on that	11:37
5	person's phone across the wireless network in the	11:37
6	cell tower all the way through delivery to where it's	11:37
7	going?	11:37
8	A. That's correct.	11:37
9	Q. Would you say that process happens	11:37
10	without human intervention?	11:37
11	A. I would say --	11:37
12	MR. RICHMAN: I just want to lodge one	11:37
13	objection to the extent you're asking for a legal	11:37
14	conclusion, but you can go ahead and answer.	11:37
15	BY THE WITNESS:	11:37
16	A. Okay. I would say part of the process	11:37
17	does. Sure.	11:37
18	BY MR. HAWK:	11:37
19	Q. Which part of the process?	11:37
20	A. After send, everything after that is	11:37
21	automated without human intervention.	11:37
22	Q. So say I'm sending a text message from my	11:38
23	smart phone. I hit send.	11:38
24	You're saying that your	11:38
25	understanding of SMS is that everything that happens	11:38

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1	after that point through the time of delivery happens	11:38
2	without human intervention --	11:38
3	A. That's correct.	11:38
4	Q. -- and is automated?	11:38
5	A. Correct.	11:38
6	Q. Does your understanding change if I	11:38
7	include my hitting the send button? Is it still done	11:38
8	without human intervention?	11:38
9	A. I would say you had to hit the send	11:38
10	button to have the content of the message be put into	11:38
11	the chain, but as I mentioned, once you hit send,	11:38
12	then, yes, there's no human intervention after that	11:38
13	point.	11:38
14	Q. But causing the message to enter that	11:38
15	chain, that process you described, constitutes human	11:38
16	intervention; correct?	11:38
17	A. Yeah. A human would have to type that	11:38
18	in, yes. That's correct.	11:38
19	Q. That's yes; right?	11:38
20	A. Yes.	11:38
21	Q. So from pressing send and including	11:38
22	pressing send, all the way through delivery of a text	11:39
23	message, the entire process is not done without human	11:39
24	intervention; correct?	11:39
25	A. It depends what you define the process	11:39

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1   is.   11:39

2   Q.   The process you've just described.   11:39

3   A.   So I would stand by my original answer   11:39

4   of, the person would put the content of the message,   11:39

5   and then they would have to inject that into the   11:39

6   chain. And then at that point it's all going to be   11:39

7   without human intervention.   11:39

8   Q.   But if you include that pressing the   11:39

9   send, you cannot say the entire process is done   11:39

10   without human intervention; right?   11:39

11   A.   I'm more referring to the process after 11:39

12   that point.   11:39

13   Q.   Right. I'm asking you to assume you   11:39

14   include that as part of the process. You include it   11:39

15   as part of the process, the person hitting send.   11:39

16   A.   If I was going to include that in there, 11:39

17   then, yes, it would require human intervention for   11:39

18   that part.   11:39

19   Q.   So I also understand you teach at IIT;   11:40

20   right?

21   A.   That's correct.   11:40

22   Q.   How long have you taught there?   11:40

23   A.   Since spring semester, last spring   11:40

24   semester. So this is my second semester teaching 11:40

25   there.   11:40

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1   Q.   You're referring to Ruby on Rails?   11:49

2   A.   That's correct.   11:49

3   Q.   How would you define a Web programming   11:49

4   framework?   11:49

5   A.   Basically -- so if you have Ruby, is the   11:49

6   actual language, if I'm using the Ruby on Rails   11:49

7   example, Rails is, basically, the framework that you 11:49

8   can add to Ruby. You can download what's called a   11:49

9   Gem, which is, basically, a package.   11:49

10   So then you end up setting that up,   11:49

11   and that basically lets Ruby be integrated in with   11:49

12   the Web server so that it can receive and process   11:49

13   various requests.   11:49

14   Q.   Do you have any experience using Ruby on   11:49

15   Rails?   11:49

16   A.   I tinkered around with a little bit just   11:49

17   for this case, but not prior.   11:49

18   Q.   So prior to this case, you had no   11:49

19   experience with Ruby on Rails?   11:49

20   A.   That's correct.   11:49

21   Q.   Prior to this case, have you had any   11:49

22   experience with Ruby?   11:50

23   A.   I have not.   11:50

24   Q.   You have not?   11:50

25   A.   That's correct.   11:50

1	Q. Approximately 10 hours; is that fair?	12:43
2	A. Yeah.	12:43
3	Q. And then the balance of the time, you	12:43
4	spent reviewing the rest of the documents GroupMe	12:43
5	produced, excluding source code?	12:43
6	A. That's correct.	12:43
7	Q. And you spent no time, as part of forming	12:43
8	your opinions in this case, reviewing plaintiff's	12:43
9	motion for class certification?	12:43
10	A. That's correct.	12:44
11	Q. Do you have an hourly rate you're paid in	12:44
12	connection with your work on this case?	12:44
13	A. I do not.	12:44
14	Q. You're salaried?	12:44
15	A. That is correct.	12:44
16	Q. That's the 90,000 a year we discussed	12:44
17	earlier; right?	12:44
18	A. Yes.	12:44
19	Q. So are you paid at all for your work in	12:44
20	connection with this case?	12:44
21	A. Not outside of my just normal salary from	12:44
22	working on any case.	12:44
23	Q. Do you consider the work you're doing on	12:44
24	this case in addition to your normal work at the	12:44
25	Edelson firm?	12:44

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1   A.   I do not.   12:44

2   Q.   You consider it part of your work --   12:44

3   A.   That's correct.   12:44

4   Q.   -- for the Edelson firm?   12:44

5   A.   Yes.   12:44

6   Q.   And that's part of your salary --   12:44

7   A.   Yes.   12:44

8   Q.   -- is your compensation?   12:44

9   A.   Yes.   12:44

10   Q.   You testified earlier that nobody has   12:44

11   helped you in forming your opinions; correct?   12:44

12   A.   That's correct.   12:44

13   Q.   Has anybody assisted you in performing   12:44

14   the work that went into forming your opinions?   12:44

15   A.   They have not.   12:44

16   Q.   Did you discuss this deposition before   12:45

17   today with anybody?   12:45

18   A.   Ben Richman, Courtney Booth, Chandler   12:45

19   Givens.   12:45

20   Q.   Anybody else?   12:45

21   A.   Not that I can think of, no.   12:45

22   Q.   I'm not asking about the content of your 12:45

23   conversations with your lawyers, but did you meet 12:45

24   with them before today to discuss this deposition? 12:45

25   A.   I did.   12:45

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1	A.	I do.	12:53
2	Q.	What is that?	12:53
3	A.	So it's a text messaging service that can	12:53
4		be utilized through an API for other organizations to	12:53
5		use.	12:53
6	Q.	What is that based on?	12:53
7	A.	Based off of reading the documentation.	12:53
8	Q.	Any other bases for your understanding of	12:53
9		what Twilio is?	12:53
10	A.	Not that I can think of.	12:53
11	Q.	Okay. So based on your understanding of	12:53
12		GroupMe and Twilio, can you describe the series of	12:53
13		events that you believe occurs, starting with the	12:53
14		time that somebody creates a group using GroupMe?	12:53
15	A.	Can you say that one more time?	12:53
16	Q.	Sure.	12:53
17		Based on your understanding of	12:53
18		GroupMe and Twilio, can you describe the series of	12:53
19		events that starts when somebody creates a group	12:53
20		using GroupMe?	12:53
21	A.	Yeah. I can explain that.	12:53
22	Q.	Please.	12:53
23	A.	Okay. Well, there's various steps. So	12:53
24		one is a group would have to be created. And I might	12:53
25		not have these, you know, in the exact order. I'd	12:54

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1   have to reference my declaration, but a group is   12:54

2   essentially created. There are group members that   12:54

3   are added to that group.   12:54

4   Automatically, the group is assigned   12:54

5   a telephone number that serves the basis for being   12:54

6   able to send messages back and forth. So it has   12:54

7   that.   12:54

8   So all of that is basically   12:54

9   occurring on the back-end GroupMe servers. When the   12:54

10   text messaging actually occurs, the GroupMe   12:54

11   infrastructure uses the API to communicate with   12:54

12   Twilio.   12:54

13   And Twilio serves as the actual SMS   12:54

14   provider, basically, for GroupMe, and they handle the   12:54

15   actual delivery and receipt of messages.   12:54

16   Q.   And are your opinions in your declaration   12:54

17   all limited to that back-end process?   12:54

18   A.   Say it one more time.   12:54

19   Q.   Are the opinions in your declaration   12:54

20   limited to what happens in that back-end process?   12:54

21   A.   That's correct.   12:54

22   Q.   When you created a GroupMe group, did you   12:54

23   receive any administrative text messages?   12:55

24   A.   I --   12:55

25   MR. RICHMAN: Objection. Administrative is   12:55

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1	message automatically without human intervention.	02:19
2	Q. Whose server?	02:19
3	A. That would be -- so once GroupMe's server	02:19
4	pulled the preprogrammed text message, it would send	02:19
5	it automatically to Twilio, which then would deliver	02:19
6	it.	02:19
7	Q. And you use human intervention -- without	02:19
8	human intervention throughout this declaration;	02:19
9	right?	
10	A. Correct.	02:19
11	Q. Okay. Does that have one meaning	02:19
12	throughout the declaration?	02:19
13	A. It does.	02:19
14	Q. So everywhere it appears, it has the same	02:19
15	meaning?	02:19
16	A. Yes.	02:19
17	Q. And what is that meaning you assign to	02:19
18	the term "without human intervention"?	02:20
19	A. That would basically mean sent in an	02:20
20	automated fashion, where a user didn't have to	02:20
21	actually cause it to happen.	02:20
22	So the user didn't type the	02:20
23	preprogrammed -- the user didn't type the message and	02:20
24	then the server sent it.	02:20
25	It was already stored. And then	02:20

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1	without a human having to do anything, the server	02:20
2	grabbed that message and then sent it.	02:20
3	Q. So without -- I just want to make sure	02:20
4	we're on the same page.	02:20
5	Without human intervention to you	02:20
6	means that the user had to do absolutely nothing in	02:20
7	order for that message to be sent out?	02:20
8	A. Well, I mean, as you said, there's always	02:20
9	going to be a start, where a user has to do	02:20
10	something. I mean, the user would have to add the	02:20
11	person to the group. Someone technically had to turn	02:20
12	on the server.	02:20
13	So it always -- there's always going	02:20
14	to be some element of human in everything. Someone	02:20
15	is going to have to turn it on.	02:20
16	You know, they're going to have to	02:20
17	provision the server and create everything, but once	02:20
18	everything is set up, then, yes, certain aspects of	02:20
19	this are fully automated and don't require any human	02:20
20	intervention.	02:21
21	Q. Do you understand what triggers this	02:21
22	introductory text message to be sent out?	02:21
23	A. Yeah. That's kind of covered in the next	02:21
24	section.	02:21
25	Q. Okay. Do you understand that it involves	02:21

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1   any user action?   02:21

2   A.   Not from the point where there's the   02:21

3   preprogrammed message and it's sent, no, I don't   02:21

4   think it takes any user action.   02:21

5   Q.   Before that point, do you have an   02:21

6   understanding as to whether there's user action?   02:21

7   A.   Not aside from the actual -- as we've   02:21

8   mentioned several times, ultimately, the phone number 02:21

9   would have to be entered into the system to start. 02:21

10   So I acknowledge that. You would   02:21

11 have to put that in. From then on, that's where it's 02:21

12 all fully automated.   02:21

13   Q.   So a user has to put in the phone number   02:21

14 in order for this process to start?   02:21

15   A.   That's correct.   02:21

16   Q.   Okay. So after your review of what is   02:21

17 Exhibit C, what did you do to determine this Opinion 02:21

18 No. 2?   02:22

19   A.   So then I looked at Exhibit B. This, we   02:22

20 already covered. And I noticed that there were   02:22

21 similarities between the preprogrammed intro text and 02:22

22 this message, such as a group name.   02:22

23   It shows the group that's in quote.   02:22

24 It shows a member of the group, which is very similar 02:22

25 to the "you've been added to group name," which it 02:22

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1   Q.   Okay. And if you're limiting it to the   02:27

2   documents you've received and the opinions reached   02:27

3   and somebody else in this case has an opinion as to   02:27

4   that, you would have no basis to dispute it; right?   02:27

5   MR. RICHMAN: Objection. It calls for   02:27

6   speculation.   02:27

7   You can answer, Shawn, but you're   02:27

8   not saying what the opinion is. So how can he   02:27

9   respond to that?   02:27

10   You can go ahead and answer.   02:27

11 BY THE WITNESS: 02:27

12   A.   I wasn't sure what the opinion was.

13 BY MR. HAWK: 02:27

14   Q.   Okay. If somebody says that a user has   02:27

15 to put this information in before it will show up in   02:27

16 these variables -- so the user has to provide GroupMe   02:27

17 with the group name, and the user has to provide the   02:27

18 names of Friend 1, Friend 2, Friend 3 -- would you   02:27

19 have any basis to dispute that?   02:27

20   A.   Not that I know of, no.   02:27

21   Q.   If that were to be the case, if a user   02:27

22 had to provide those variables to populate these   02:27

23 fields, would this still constitute a preprogrammed   02:27

24 message, as far as you're concerned?   02:27

25   A.   Yeah.   02:27

1	Q. Why?	02:27
2	A. Because the content of the message is	02:27
3	still preprogrammed, even if it's pulling in	02:27
4	information to cover a variable.	02:28
5	You know, as you can see, there's	02:28
6	however many words, 20 words. So that's three words	02:28
7	out of the text message.	02:28
8	It doesn't dispute the fact that the	02:28
9	rest of the text message is still preprogrammed.	02:28
10	Q. So if we can look at Exhibit B then on	02:28
11	Page 8 at the top. Do you have it in front of you?	02:28
12	A. I do.	02:28
13	Q. It would be your opinion that Brian	02:28
14	Glauser is preprogrammed?	02:28
15	A. Not that particular one.	02:28
16	Q. What about where it says Mike Lambert?	02:28
17	Is that preprogrammed?	02:28
18	A. That one, I would assume not.	02:28
19	Q. Okay. What about Poker? Is that	02:28
20	preprogrammed?	02:28
21	A. I would assume not.	02:28
22	Q. What about Richard Locke? Is that	02:28
23	preprogrammed?	02:28
24	A. I would assume not. As I mentioned,	02:28
25	those would all be variables.	02:28

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1   message?   02:36

2   A.   Well, Figure 8 is, basically just a   02:36

3   method to transmit. I'm just saying that Figure 7   02:36

4   ends up calling that method to actually transmit the 02:36

5   message.   02:36

6   Q.   Okay. I'll ask it a different way.   02:36

7   Do you know whether they cause   02:36

8   separate text messages to be sent or whether they are 02:36

9   part of the process of sending the same text message? 02:36

10   A.   I don't know for certain, no.   02:37

11   Q.   Is it your understanding that what you've 02:37

12   referred as to preprogrammed text messages can happen 02:37

13   without a user taking any action?   02:37

14   A.   Once you get to that part of the process,   02:37

15   yes.   02:37

16   Q.   Let me ask it a different way.   02:37

17   Can these -- what you've referred to   02:37

18   as preprogrammed text message be sent if no user   02:37

19   takes action?   02:37

20   A.   I'm not aware if they do or not.   02:37

21   Q.   So if somebody in this case has taken the 02:37

22   opinion that these messages cannot be sent unless a   02:37

23   user takes some action, do you have any basis to   02:37

24   dispute that?   02:37

25   MR. RICHMAN: Objection. Ambiguous. It's   02:37

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```
 1   not clear what you mean by action, but you can go        02:38

 2   ahead and answer, Shawn.                                 02:38

 3         THE WITNESS:  Can you say it again?                02:38

 4   BY MR. HAWK:                                             02:38

 5         Q.    Sure.                                        02:38

 6               If somebody in this case has taken           02:38

 7   the opinion that these messages that you've referred     02:38

 8   to as preprogrammed text messages cannot be sent         02:38

 9   unless a user takes some action, do you have any         02:38

10   basis to dispute that?                                   02:38

11         MR. RICHMAN:  Same objection.                      02:38

12               You can answer.                              02:38

13   BY THE WITNESS:                                          02:38

14         A.    No.  I don't think I could definitively      02:38

15   dispute that, no.                                        02:38

16   BY MR. HAWK:                                             02:38

17         Q.    What do you mean by definitively?            02:38

18         A.    Well, I mean, there's -- based on the        02:38

19   code that we have here, I wasn't provided with all       02:38

20   code.  There's still some other code that GroupMe        02:38

21   uses that I don't have in particular.  I couldn't say    02:38

22   for certain what that other code might do or might       02:39

23   not do.                                                  02:39

24         Q.    Okay.  So is it fair to say that you         02:39

25   would not have any reason to dispute an opinion, if      02:39
```

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1	somebody gives it in this case, that these cannot be	02:39
2	sent without a user taking action?	02:39
3	MR. RICHMAN: Same objection.	02:39
4	BY THE WITNESS:	02:39
5	A. That's what I said.	02:39
6	BY MR. HAWK:	02:39
7	Q. Okay. Thank you.	
8	So is it fair to say that your	02:39
9	Opinion No. 2 that these text messages -- strike	02:39
10	that.	02:39
11	Opinion No. 3, Page 9. Do you see	02:39
12	the header at the top?	02:39
13	A. I do.	02:39
14	Q. "The assignment of ten-digit telephone	02:39
15	numbers to GroupMe is an automated process."	02:39
16	A. I do see that.	02:39
17	Q. Is that your Opinion No. 3?	02:39
18	A. That is my opinion.	02:39
19	Q. Has it changed since you signed this	02:39
20	declaration?	02:39
21	A. It has not.	02:39
22	Q. Has it changed since you were -- has it	02:39
23	changed since you were asked to form an opinion in	02:40
24	this case?	02:40
25	A. It has not.	02:40

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1   And then they assign that group   02:43

2   telephone number to the group, again, meaning that   02:43

3   that's the phone number that can be used to   02:43

4   communicate back and forth.   02:43

5   BY MR. HAWK: 02:43

6   Q.   Okay. Is it your opinion that a number   02:43

7   can be assigned without a user creating a group?   02:43

8   A.   I know it would happen if a user created   02:44

9   a group. I'm not aware if it could happen without a 02:44

10   user creating a group or not.   02:44

11   Q.   Okay. Did you attempt to find what calls   02:44

12   this method, reserve group telephone number,   02:44

13   mentioned in Paragraph 16?   02:44

14   A.   Again, I'm sure I did. I don't remember   02:44

15   offhand now which one that would be.   02:44

16   Q.   If someone has taken an opinion in this   02:44

17   case that a group number cannot be assigned unless a 02:44

18   user creates a group, have you seen anything in the   02:44

19   documentation that would refute that?   02:44

20   A.   Not that I can see, no.   02:44

21   Q.   Okay. So aside from these documents that   02:44

22   are listed in Opinion 3, you didn't rely on any other 02:45

23   documents in forming the opinion?   02:45

24   A.   That's correct.   02:45

25   Q.   Okay. Did you rely on any of -- strike   02:45

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HIGHLY CONFIDENTIAL - SOURCE CODE   256

1   a Twilio account and it stores its log-in credentials   02:52

2   and logs in to transmit text messages?   02:52

3   A.   The server does, yes.   02:52

4   Q.   Do you have any idea what causes GroupMe   02:52

5   to log in to Twilio?   02:52

6   A.   Once a -- well, anytime that the API   02:52

7   would need to be called. So when a text message   02:52

8   would need to be sent would be an example.   02:52

9   Q.   Okay. And if somebody in this case has   02:52

10   given an opinion that GroupMe does not attempt to   02:53

11   route a text message as part of the group through   02:53

12   Twilio unless a user takes some action, have you seen   02:53

13   anything in the documents you reviewed that would   02:53

14   dispute that?   02:53

15   MR. RICHMAN: Objection. Again, it's   02:53

16   ambiguous as to who the user is and what action would   02:53

17   have to be taken, but go ahead, Shawn.   02:53

18   BY THE WITNESS: 02:53

19   A.   You're restricting this to the sending of   02:53

20   a text message?   02:53

21   BY MR. HAWK: 02:53

22   Q.   Let's start with the process.   02:53

23   A.   Can you explain to me again?   02:53

24   Q.   Sure.   02:53

25   If somebody in this case has given   02:53

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```
1    the opinion or stated that GroupMe cannot route or      02:53

2    transmit a text message through Twilio, requiring       02:53

3    GroupMe to log in to Twilio unless a user first takes   02:53

4    some action, have you seen anything in the documents    02:53

5    you've reviewed that would dispute that?                02:53

6         MR. RICHMAN:   Same objection.                     02:53

7    BY THE WITNESS:

8         A.    Not necessarily, no.                         02:53

9    BY MR. HAWK:                                            02:54

10        Q.    Not at all or not necessarily?               02:54

11        A.    I would say not at all.                      02:54

12        Q.    Page 10, Paragraph 23, you say, "These       02:54

13   variables seemingly reference GroupMe's Twilio user     02:54

14   name."                                                  02:54

15              Do you see that?                             02:54

16        A.    I do.                                        02:54

17        Q.    Why do you use the word "seemingly"?         02:54

18        A.    Because I believe the variable names were    02:54

19   a little different.                                     02:54

20        Q.    The environmental variable names?            02:54

21        A.    That's correct.                              02:54

22        Q.    Is it environment variable or                02:54

23   environmental variable?                                 02:54

24        A.    I've heard it both ways.   I think the       02:54

25   technical correct way is environment.                   02:54
```

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HIGHLY CONFIDENTIAL - SOURCE CODE   266

1   A.   Yes. The deliver method, which uses,   03:04

2   basically, the gateway of Twilio.   03:04

3   Q.   In Paragraph 25 and 26, do you see you   03:04

4   used the term "environment variable"?   03:04

5   A.   Yes.   03:04

6   Q.   And you've said that that was incorrectly   03:04

7   used?   03:04

8   A.   That's correct.   03:04

9   Q.   Why did you use it then?   03:04

10   A.   I had looked, and I think I saw the EM.   03:04

11   And I, you know, just made a quick typo and thought   03:04

12   it said ENV for a second.   03:04

13   Q.   EMB?   03:04

14   A.   ENV for environmental variable.   03:04

15   Q.   And that doesn't change your conclusion,   03:04

16   that it says EM instead of ENV?   03:04

17   A.   It does not. Simple typo.   03:04

18   Q.   Again, if somebody has stated in this   03:04

19   case that GroupMe cannot route text messages over its   03:05

20   service in conjunction with Twilio unless a user has   03:05

21   taken an action, have you seen anything in the   03:05

22   documentation that would refute that?   03:05

23   MR. RICHMAN: Same objection.   It's   03:05

24   ambiguous, but go ahead.   03:05

25

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1	BY THE WITNESS:		03:05
2	A. I have not.		03:05
3	BY MR. HAWK:		03:05
4	Q. Opinion No. 6, please, on Page 13.		03:05
5	A. Okay.		03:05
6	Q. Sorry. Really quick back to Paragraph		03:05
7	27, at the bottom, last sentence on Line 25.		03:05
8	The last two entries are 1600		03:05
9	characters?		03:06
10	A. Okay.		03:06
11	Q. Is that a typo?		03:06
12	A. No.		03:06
13	Q. Okay. The body of the text can contain		03:06
14	1600 characters, according to the documentation;		03:06
15	right?		03:06
16	A. Up to, yes.		03:06
17	Q. And above that, in Paragraph 26, at Line		03:06
18	17, you say, "These parameters appear to represent."		03:06
19	Do you see that?		03:06
20	A. I do.		03:06
21	Q. Why do you use the word "appear"?		03:06
22	A. Just because the wording was a little		03:06
23	different. So...		03:06
24	Q. The wording?		03:06
25	A. For example, the "to" and the "from" are		03:06

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1   GroupMe logs in to Twilio, using the stored   03:17

2   credentials?   03:17

3   A.   I would say so, yes.   03:17

4   Q.   Have you reviewed, in forming your   03:17

5   opinions, GroupMe's motion for summary judgment?   03:17

6   A.   I have not.   03:17

7   Q.   Have you reviewed the declaration of   03:17

8   Steve Martocci, submitted along with GroupMe's   03:18

9   motions for summary judgment, in forming your   03:18

10   opinions?   03:18

11   A.   I have not.   03:18

12   Q.   In forming your opinions, have you   03:18

13   reviewed the declaration of John Pignata, submitted   03:18

14   along with GroupMe's motion for summary judgement?

15   A.   I have not.   03:18

16   Q.   In forming your opinions, have you   03:18

17   reviewed the declaration of Ameer Badri submitted   03:18

18   with GroupMe's motion for summary judgement?   03:18

19   A.   I have not.   03:18

20   Q.   Do you believe that GroupMe automatically   03:18

21   dials phone numbers -- strike that.   03:18

22   Do you have any reason to believe   03:18

23   GroupMe automatically dials phone numbers?   03:18

24   A.   I believe that as part of the process I   03:18

25   talked about, yes, that telephone numbers are   03:18

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1	automatically dialed.	03:18
2	Q. And that's the process focused on the	03:18
3	time period after a user takes action; correct?	03:18
4	A. That's correct.	03:18
5	Q. And do you have any reason to believe	03:18
6	Twilio automatically dials phone numbers?	03:18
7	A. I do.	03:19
8	Q. And is that the same process you	03:19
9	described?	03:19
10	A. Yeah. Except they would have to receive	03:19
11	it from their customer, which in this case would be	03:19
12	GroupMe.	03:19
13	Q. And that focuses on the process after the	03:19
14	user takes action; correct?	03:19
15	MR. RICHMAN: Objection again as to the	03:19
16	ambiguity of user action, but go ahead, Shawn.	03:19
17	BY THE WITNESS:	03:19
18	A. That would be based off, yes, what we've	03:19
19	been talking about, once you got past the first part	03:19
20	of a user entering the number.	03:19
21	MR. HAWK: Let's go off the record -- strike	03:19
22	that. Let's stay on the record real quick.	03:19
23	BY MR. HAWK:	03:19
24	Q. Mr. Davis, there are a number of	03:19
25	documents as part of Exhibit 3 that I believe you	03:19

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CERTIFICATE

OF

CERTIFIED SHORTHAND REPORTER

I, Lynn A. McCauley, a Certified

Shorthand Reporter of the State of Illinois, CSR,

RPR, License No. 84-003268, do hereby certify:

That previous to the commencement of the

examination of the aforesaid witness, the witness was

duly sworn by me to testify the whole truth

concerning the matters herein;

That the foregoing deposition transcript

was reported stenographically by me, was thereafter

reduced to typewriting under my personal direction

and constitutes a true and accurate record of the

testimony given and the proceedings had at the

aforesaid deposition;

That the said deposition was taken before

me at the time and place specified;

That I am not a relative or employee or

attorney or counsel for any of the parties herein,

nor a relative or employee of such attorney or

counsel for any of the parties hereto, nor am I

interested directly or indirectly in the outcome of

1   IN WITNESS WHEREOF, I do hereunto set my

2 hand at Chicago, Illinois, this 14th day of October

3 2014.

4

5 _____

6 LYNN A. MC CAULEY, CSR, RPR

7 License No. 84-003268

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INSTRUCTIONS FOR READING/CORRECTING YOUR DEPOSITION

To assist you in making corrections to your deposition testimony, please follow the directions below. If additional pages are necessary, please furnish them and attach the pages to the back of the errata sheet.

This is the final version of your deposition transcript.

Please read it carefully. If you find any errors or changes you wish to make, insert the corrections on the errata sheet beside the page and line numbers.

If you are in possession of the original transcript, do NOT make any changes directly on the transcript.

Do NOT change any of the questions.

After completing your review, please sign the last page of the errata sheet, above the designated "Signature" line.

ERRATA SHEET

Page	Line		
10	20	Change:	"program" to "programmer"
		Reason:	transcription error
24	4	Change:	"have" to "hash"
		Reason:	transcription error
30	25	Change:	"that" to "than"
		Reason:	transcription error
65	18-19	Change:	remove "for a"
		Reason:	transcription error

Page	Line	
		Change: "delivered" to "deliver"
262	5	Reason: transcription error
		Change: "2104" to "2014"
289	19	Reason: date error
		Change: "can happen" to "have data"
208	16	Reason: transcription error
		Change: _____
		Reason: _____
		Change: _____
___	___	Reason: _____
		Change: _____
___	___	Reason: _____
		Change: _____
___	___	Reason: _____
		Change: _____
___	___	Reason: _____
		Change: _____

X _____   Subject to the above changes, I certify that the transcript is true and correct.

_____   No changes have been made. I certify that the transcript is true and correct.

Shawn Davis   10/17/2014

Signature   **Date**